

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

v.

**Civil Action No. 5:21-cv-00181
Honorable Frank W. Volk**

**LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision, JEFF
MCPEAKE, individually, BRIAN WHITE,
individually, BOBBY STUMP, individually,
KYLE LUSK, individually,**

Defendants.

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANT LOUISE E. GOLDSTON'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW this Defendant, Louise E. Goldston, by counsel Jennifer E. Tully, Adam K. Strider, and the law firm of Bailey & Wyant, PLLC, and hereby offers the following Reply Memorandum in support of her previously-filed Motion for Summary Judgment.

In response to the averments and arguments presented in this Defendant's Memorandum of Law in Support of Defendant Louise E. Goldston's Motion for Summary Judgment, the Plaintiff merely incorporated and reasserted the memorandum of law filed in support of his own Motion for Summary Judgment. As this Defendant has already addressed and rebutted those arguments in her Response to Plaintiff's Motion for Summary Judgment, ECF Doc. No. 72, it would be redundant to readdress them herein. Therefore, this Defendant herein incorporates and reasserts all averments and arguments made in her Response to Plaintiff's Motion for Summary Judgment.

WHEREFORE, based on the foregoing, as well as the averments and arguments presented in the Memorandum in Support of Defendant Louise E. Goldston's Motion for Summary Judgment, ECF Doc. No. 66, this Defendant respectfully prays this Honorable Court GRANT her Motion for Summary Judgment, and grant her such other relief as the Court deems just and proper.

LOUISE E. GOLDSTON,

By Counsel,

/s/ Adam K. Strider

**Jennifer E. Tully (WV Bar #9356)
Adam K. Strider (WV Bar #12483)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: 304.345.4222
F: 304.343.3133
jtully@bailewyant.com
astrider@bailewyant.com**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

v.

**Civil Action No. 5:21-cv-00181
Honorable Frank W. Volk**

**LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision, JEFF
MCPEAKE, individually, BRIAN WHITE,
individually, BOBBY STUMP,
individually, KYLE LUSK, individually,**

Defendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing “**REPLY
MEMORANDUM IN SUPPORT OF DEFENDANT LOUISE E. GOLDSTON’S MOTION
FOR SUMMARY JUDGMENT**” was served upon the following parties through the Court’s Electronic Case Filing (ECF) system on this day, April 14, 2022:

Arie M. Spitz
Kevin A. Nelson
Jason L. Holliday
Dinsmore & Shohl, LLP
P.O. Box 11887
707 Virginia Street East, Suite 1300
Charleston, WV 25339-1887
Attorney For: Kyle Lusk

J. Victor Flanagan
Kevin J. Robinson
Pullin Fowler Flanagan Brown & Poe, PLLC
252 George Street
Beckley, WV 25801
Attorney For: Bobby Stump, Brian White, Jeff McPeake

John H. Bryan
Law Office of John H. Bryan
PO Box 366
Union, WV 24983
Attorney For: Matthew Gibson

/s/ Adam K. Strider
Jennifer E. Tully (WV Bar #9356)
Adam K. Strider (WV Bar #12483)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: 304.345.4222
F: 304.343.3133
jtully@bailewyant.com
astrider@bailewyant.com